

STATE BUILDING CODE INTERPRETATION NO. I-16-01

May 7, 2001

The following is offered in response to your April 18, 2001 FAX to me in which you seek an official interpretation of the provisions of the 1994 State Building Code.

Question: “Can a building official pursue a criminal prosecution for failing to get a building permit without first serving a ‘stop work order’ or a ‘notice of violation’?”

Answer: No. Section 117.3 of the BOCA National Building Code/1990 portion of the 1994 State Building Code provides for prosecution of a building code violation in the event that the notice of violation is not complied with promptly. In order for the person responsible for the violation to have an opportunity to correct the violation prior to prosecution, a notice of violation or stop work order must be issued in accordance with section 117.2 or 118.1 of the referenced code.